

**Notice of Allowability**

Application No.

09/801,149

Examiner

Brenda Pham

Applicant(s)

SHAHAR ET AL.

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/31/2005.
2. ☒ The allowed claim(s) is/are 1,4-9,11-17,20,21,23-27 and 29-35, renumbering as 1-14, 16-18, 20, 22-24, 15, 25-26, 21, 19, 27-28, respectively.
3. ☒ The drawings filed on 31 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Brenda A. Pham*

8/3/05

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. John W. Carpenter on August 3, 2005.

3. The application has been amended as follows:

Claim 6, line 3, after "preparing a" inserted "super frame".

Claim 6, line 8, after "received status message" inserted ";transmitting a list of indexes and corresponding modulation schemes prior to transmitting the super frame header and data packets

Wherein

said indication is an index that identifies a set of at least one of a modulation format, symbol rate, and FEC scheme to be used to the data packets; and

said status message includes error count information describing a number of errors detected in transmissions received by the receiver."

Art Unit: 2664

Claim 12, deleted "The method according to Claim 6, wherein said status message includes CNR information describing a Carrier to Noise Ratio of transmissions previously received by the receiver." Inserted "The method according to Claim 6, wherein the method is embodied in a set of computer readable instructions stored by computer readable media."

Claim 14, line 3, after "receiving a" inserted "super frame".

Claim 14, line 10, after "transmitting the status message" deleted "wherein said status message includes error count information describing a number of errors detected in the transmissions received." and inserted "; receiving a list of indexes and corresponding modulation schemes prior to receiving the super frame header and data packets

Wherein said indication is an index that identifies a set of at least one of a modulation format, symbol rate, and FEC scheme to be used to the data packet; and

said status message includes error count information describing a number of errors detected in the transmissions received."

Claim 20, line 22, after "first downstream modulation type" inserted "; and transmitting an in-phase pilot signal to the wireless modem for determining a carrier frequency for the wireless modem to communicate with the wireless hub."

Art Unit: 2664

Claim 24, line 22 after "the carrier to noise ratio", insert "; and transmitting an in-phase pilot signal to the wireless modem for determining a carrier frequency for the wireless modem to communicate with the wireless hub."

Claim 26, line 18, after "the wireless modem", inserted "; and transmitting an in-phase pilot signal to the wireless modem for determining a carrier frequency for the wireless modem to communicate with the wireless hub."

Claim 27, line 8, after "information signal", inserted "; and the data portion comprises a in-phase pilot signal that is capable of being utilized to determine a frequency of the carrier signal."

Claim 29, deleted "The carrier signal modulated with the information signal for communicating between two wireless devices of Claim 27 wherein the data portion comprises a in-phase pilot signal that is capable of being utilized to determine the frequency of the carrier signal." Inserted "The method according to Claim 14, wherein the method is embodied in a set of computer readable instructions stored by computer readable media."

Claim 32, deleted "The method according to Claim 27, wherein said computer instruction are compiled computer instructions stored as an executable program on a computer readable media." Inserted "The method according to Claim 24, wherein the

Art Unit: 2664

method is embodied in a set of computer readable instructions stored by computer readable media.”

Claims 35, line 7, after “wherein the data portion comprises” inserted “an in-phase pilot identifying a frequency of the carrier signal and”

### **REASONS FOR ALLOWANCE**

4. Claims 1, 4-9, 11-17, 20-21, 23-27, 29-35 allowed.

5. The following is an examiner’s statement of reasons for allowance: the prior art made of record does not teach or fairly suggest in combination transmitting a list of indexes and corresponding modulation schemes prior to transmitting the super frame header and data packets wherein said indication is an index that identifies a set of at least one of a modulation format, symbol rate and FEC scheme to be used on the data packets.

The prior art further fails to teach in combination transmitting an in-phase pilot signal to the wireless modem for determining a carrier frequency for the wireless modem to communicate with the wireless hub.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 2664

**Conclusion**

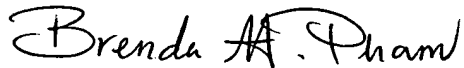
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

August 3, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, stylized 'B' and 'P'.